From:	<u>Mike Lingle</u>
То:	SETHURAMAN, RAJA; CITY COUNCIL; CityManager
Cc:	CITY CLERK; David Martinez; Flo Martin; Jenn Tanaka; Marc Vukcevich; ROSALES, JENNIFER; Ralph Taboada; Russell Toler; THOMAS, BRETT ATENCIO
Subject:	CMABS - Resolutions Letter for February 6 City Council Meeting
Date:	Monday, February 5, 2024 6:50:57 PM
Attachments:	CMABS Resolutions - CC Meeting February 6 2024 (Draft).pdf

Members of the City Council, City Manager Farrell, Director Sethuraman, and City Clerk Green:

Please find enclosed a letter for inclusion in the public record for the February 6 City Council meeting, regarding CMABS suggestions for 2024 City resolutions for making our streets better for everyone. Thank you for your attention, and we hope you will consider acting on our recommendations.

Thank you, Mike Lingle On behalf of the Board of the Costa Mesa Alliance for Better Streets

前途 COSTA MESA ALLIANCE 法法 FOR BETTER STREETS

February 5, 2024 Via Email

Costa Mesa City Council Lori Ann Farrell Harrison, City Manager Raja Sethuraman, Public Services Director 77 Fair Drive Costa Mesa, CA 92626 citycouncil@costamesaca.gov citymanager@costamesaca.gov raja.sethuraman@costamesaca.gov

Dear Members of the City Council, City Manager Farrell Harrison and Public Services Director Sethuraman:

As you may recall, we, the Costa Mesa Alliance for Better Streets, sent you a letter on January 17, 2023, setting out our eight goals for Costa Mesa in that year. We write today to review those goals, to congratulate the city for the significant progress it has made, and to highlight the work that still needs to be done to make our streets better for everyone.

- 1. Implement AB 43, especially in school zones. V Costa Mesa has committed to seventeen speed reductions, with more potentially on the way. Great work!
- 2. Expand bicycle patrols and prioritize school zones at pick-up and drop-off times. Despite impressive raised crosswalk installations near Pomona and Rea Elementary Schools and the crosswalk across Tustin Avenue near Woodlands/Kaiser Elementary Schools, our school zones continue to be chaotic during dropoff and pickup times. They swarm with cars – mostly SUVs – further deterring families from walking or bicycling to school and worsening safety. Therefore, installing physical street-calming measures and, in the meantime, enforcing traffic laws must be a top priority. The CMPD should commit to regular bicycle patrols at drop off/pick up times while our schools wait for real changes.
- 3. Create and implement a comprehensive traffic calming policy. We are thrilled to see the city embrace temporary traffic calming as a method to address resident complaints about speeding and reckless driving. *However*, execution of recent installations needs improvement. The community must be informed of each project, and residents should not feel surprised or confused when these projects appear (or disappear), as is currently the case. See below for our recommendation to adopt a formal policy to address these issues.
- 4. Reinstall bus shelters and review pedestrian facilities around bus stops. 🔁 We have been incredibly encouraged to see Costa Mesa insist on the Clear Channel living up to its contractual

promises, which has resulted in the repainting many bus shelters around town. We are also delighted to see that the City Council set aside \$300,000 (!) of its budget surplus for new bus shelters. That said, many stops still lack shade or a place to sit, and we understand that the shelters that were removed are gone for good. So let's keep working on this!

- 5. Bridge the gaps in our walking and bicycling networks. The remaining gaps occur mostly at intersections, with missing crosswalks and/or inaccessible push buttons. But the gaps are also stretches of non-existent or low-quality sidewalks or bike lanes. The project pipeline continues to look very good with respect to addressing this goal. We look forward to a decent walking and bicycling *network* being prioritized and realized.
- 6. Implement the parking permit program that was approved in 2022. V This goal also appears to be well underway, with several resident meetings held over the summer and implementation starting in the fall. Great job!
- 7. Create and implement a comprehensive pop-up bicycle lane and bicycle parking policy for known citywide events. A pop-up bicycle lane was used for last year's Concerts in the Park and it was a big hit (again). It's clear that people love bicycling in Costa Mesa when they are provided safe and comfortable means to do so. Let's keep finding opportunities to use our city's pop-up bike and bike corral materials!
- 8. Rebalance the transportation budget to prioritize transit and active transportation improvements and maintenance. We were very encouraged to see the emphasis placed on active transportation in this year's budget. We will continue to monitor this goal as the CIP projects are checked off, but for now: great work.

Overall we are impressed with the strides Costa Mesa has taken thus far to improve our streets. It's made a LOT of noticeable progress! However, we are only getting started.

Goals in 2024: fewer plans, more policies and action

The present City Council has a very narrow window to adopt policies and take actions that will bind future councils before the next election in 2024. Here's what we hope the City Council will enact this year:

- 1. Adopt an ambitious and unapologetic Safe Route to School/School Streets policy. We are keeping a close eye on the federal Safe Streets for All grant that the City was awarded last year (great job!). In addition to producing an action plan for safer routes to school, we hope that this will also lead to a formal *policy* about street design in our school zones. We envision infrastructure changes that would go hand-in-hand with the work the Costa Mesa has already done to lower speed limits in these areas. Ultimately we would love to see the city experiment with "school streets" streets adjacent to schools where cars are prohibited all or part of the day to further bicycling/walking to school and to bring sanity to the pick-up and drop-off experience. These "school streets" <u>have been successful and popular in Europe</u> as well as in <u>other cities in California</u>.
- 2. Reorient the zoning code towards walkable, bikeable neighborhoods. Our current zoning standards reflect our historically car-oriented nature, but this approach over time has weakened our sense of place, made our streets less safe and less comfortable, and made implementing more efficient transportation options very difficult. To address this, we specifically call on the City Council to: reassess or eliminate <u>parking minimums</u>, emphasize the orientation of new buildings

to the street, encourage the creation of high quality ground-floor environments in new developments, and relax regulations mandating strict use separation, the limitation of dwelling units, and the allowance of building volume being tied to adjacent traffic. Liberalizing land use regulations will allow Costa Mesa to grow organically, while thoughtful design standards will ensure public environments are consistent with our vision for pleasant, walkable neighborhoods.

- 3. Impose a moratorium on the permitting of all new drive-thrus and gas stations¹. Let's not waste everyone's time by continuing to allow these car-dependent uses in our city even though they are inconsistent with our vision of it. Cities that allow new drive-thrus and gas stations are decidedly car-oriented and continue to be so. Costa Mesa is a thriving city with a healthy sales tax base, high land values, and nearly insatiable demand to live and/or locate businesses here. In contrast, drive-thrus and gas stations depend on heavy car traffic and car-oriented design something we are, and should continue to work against. Doing this would also support the city's long-term goals with respect to environmental responsibility and sustainability.
- 4. Identify eligible intersections and introduce "no right turn on red". We have been excited to see pedestrian- and bicyclist-friendly improvements added to some of our intersections this year (in particular, LPIs and bicycle readers), but strikes from "right hooks" where a car looking to to turn right on red focuses on oncoming traffic but not the bicycles and pedestrians advancing from the curb remain a constant danger. We challenge the City Council to identify intersections with substantial bicycle and pedestrian crossings and eliminate the option for vehicles to turn right on a red light. This was the norm prior to the 1970s oil crisis, which caused policymakers to use all available tools, including "right on red", to prevent wasteful idling. Obviously we are *way* past that. Time to put this anachronistic rule to bed and reprioritize safety.
- 5. Partner with OCTA to bring better transit options to Costa Mesa. Over the last several years, OCTA has cut many bus lines, and, frankly, we question OTCA's desire to increase ridership. We reject the simplistic and dismissive myth that our deteriorating transit service is because "Californians just love their cars." Rather, we believe Orange County is stuck in a self-fulfilling prophecy of worsening service leading to worsening ridership. Convenient and reliable transit is an indispensable service that a growing Costa Mesa must insist upon. We call on the City Council to promote transit use, explore options to provide local transit service, to do everything the city can to make taking the bus more viable and convenient, and to work closely with OCTA to improve its services.
- 6. Renegotiate the bus shelter contract and direct advertising avenue revenue to bus stops and local pedestrian improvements. Please continue to keep us informed of negotiations with Clear Channel or any other vendor we select to carry on our bus shelter maintenance contract. We would appreciate being able to contribute to the discussion before the plans for the next ten years are set. Safe, comfortable, and dignified bus stops are key to getting more people to take advantage of our public transportation system, and this is the least we can aim for for those who already use and/or depend on the system. We also think this would be a great opportunity to create a long-term maintenance and improvement fund by setting aside some or all of the contract revenue for bus shelter and local pedestrian improvements. Without the transit riders this source of revenue wouldn't exist, so it is only right that the revenue we receive goes back to supporting transit riders. Other cities, including most recently the City of Los Angeles, have adopted exactly these kinds of dedicated revenue policies, so Costa Mesa would be on the cutting edge if it followed suit.

¹ Board Member Russell Toler recuses himself from this recommendation #3.

- 7. Adopt a policy for addressing excess road space. We have a growing population but fixed amounts of rights of way. Currently these rights of way prioritize the fast movement of cars; an activity that is antithetical to urban environments that are safe, comfortable, and pleasant. Instead, we envision a policy that continues to tighten up these spaces both so that cars drive more slowly and our public environments are safer and more comfortable. We should narrow lanes whenever restriped (with the excess repurposed) and tighten turning radii (even if only by means of paint, flex posts, and/or textured pavement). And we should work with OCTA to further downgrade the stroads in our city in the OC Master Plan of Arterial Highways.
- 8. Adopt a formal traffic calming policy. We are once again calling upon the City Council to create a comprehensive traffic calming policy, which should outline how the policy works, how residents can apply for traffic calming for their streets, how traffic calming will be tested and evaluated, what the criteria will be for selecting permanent installations, and the amount of data that will be collected before and after the intervention to ensure the new infrastructure is working as intended. Need an example? <u>Check out San Diego's traffic calming policy</u>. It's probably more extensive than Costa Mesa presently needs but it is a great starting point.
- 9. BONUS: participate in a community bicycle ride or walk. It is impossible to thoroughly understand the challenges to bicycling or walking that we are advocating for without lacing up your shoes or getting on a bike. And the best way to explore a city on foot or by bike is with a group. Reach out and we'd be happy to organize a group walk in your neighborhood. And we highly recommend the community bike rides that set out every Wednesday night at 6:15pm from Lion's Park, where Costa Mesa residents meet to go on a long bike ride through our and neighboring cities. It is a friendly, responsible group, and almost no one wears lycra or clicky shoes. Follow Lillördag on Instagram to get reminders and see past rides. We look forward to seeing you there!

Best,

The Board of the Costa Mesa Alliance for Better Streets

Russell Toler* Mike Lingle Flo Martin Ralph Taboada David Martinez Marc Vukcevich Jenn Tanaka

CC:

Jennifer Rosales (jennifer.rosales@costamesaca.gov) Brett Atencio Thomas (brettatencio.thomas@costamesaca.gov) Brenda Green (brenda.green@costamesaca.gov)

* As noted above, Mr. Toler joins this letter in all respects except for recommendation #3, regarding a proposed moratorium on drive-thrus and gas stations.

From:	Chris Budnik
To:	CITY CLERK; THOMAS, BRETT ATENCIO; ROSALES, JENNIFER; SETHURAMAN, RAJA
Cc:	NMUSDBoardofEducation@nmusd.us; CITY COUNCIL; BARLOW, KIMBERLY HALL; FARRELL HARRISON, LORI ANN; jtrader@nmusd.us; azareczny@nmusd.us; Jimmy Thomas
Subject:	Tustin Avenue Shared Bike Lanes - Student Safety Concern
Date:	Tuesday, February 20, 2024 10:59:21 AM

City Clerk,

My name is Christopher Budnik and I am submitting this letter for public comments on non-agenda items for tonight's City Council meeting (2/20/24)

Thank You

Hello Brett,

Thanks to you, Jennifer and Raj for meeting with Jim and I last month to discuss a student safety issue with the Shared Bike Route on Tustin Ave.

Meeting Summary:

We are concerned with potential bike/car crashes since Tustin Ave's high vehicle speeds and volumes do not comply with generally accepted Engineering Guidance.

Tustin Ave is a designated School Route that does not have Conventional Bike Lanes separate from vehicle lanes. This Shared Bike Route is problematic since young Ensign Intermediate cyclists share vehicle lanes with Newport Harbor High School teen drivers.

Additionally, the recent Ensign Fence Project and revised gate operations rerouted a number of students from Conventional Bike Lanes on Irvine Ave to the Shared Bike Route on Tustin Ave without a traffic study evaluating the change.

In order bring the Tustin Ave Bike route into compliance with Engineering Guidelines and minimize the risk of serious injury for Ensign cyclists, we request Costa Mesa install Speed Cushions on Tustin Ave between 15th and 17th.

Background

Tustin Ave as a Shared Bike Route Is Noncompliant with Engineering Guidance. (Reference 1 below)

Tustin Ave's measured speed is 35 MPH (85th percentile) which is 10 MPH higher than Engineering Guidance allows on a Shared Bike Route. The vehicle volume is approximately 6000 per day which is two to three times higher than the Guidance. The Shared Bike Route on Tustin Ave accommodates a high concentration of young students so noncompliance with vehicle speed and volume limits is a concern.

Guidance and Engineering Considerations (References 2 and 3 below)

Guidance warns: "The vast majority of bike/car crashes in the U.S. occur in shared lanes that

are applied to inappropriate contexts and environments." (Caltrans/FHWA). In other words, Ensign's 12-14 year old Bicyclists are exposed to bike/car crashes until Tustin Ave's vehicular speed and volume are brought into compliance. This is the "Vulnerable Population" Guidance Consideration.

The "Traffic Vehicle Mix" Guidance Consideration is another reason to comply with Guidance limits. The high concentration of Ensign Bicyclists sharing lanes with inexperienced NHHS teen drivers is a high risk situation.

During the meeting, Costa Mesa staff indicated the Tustin Ave Shared Bike Route is still acceptable even though noncompliant since it is a preferred alternative to Irvine Ave Conventional Bike Lanes. We disagree based on the following:

- Guidance forewarns the vast majority of bike/vehicle crashes occur in Shared Bike Lanes with defects, like the current Tustin Ave facility.
- Irvine Ave's Conventional Bike Lanes improve bicyclist safety by allowing 3 feet of separation between vehicles and bicyclists as required in CVC 21760.

Conclusion

Per our discussion, Costa Mesa staff used Engineering judgement to waive vehicle speed and volume Guidelines for the Tustin Ave Shared Bike Route. Based on the assessment of considerations in published Guidance, we don't believe this was a sound Engineering decision.

We seek a safe and compliant Shared Bike Route for young Costa Mesa students cycling to Ensign Intermediate. We believe Speed Cushions on Tustin Ave between 15th and 17th would bring this Shared Bike Route into compliance with Guidance. Considering the age of the student cyclists and inexperienced NHHS drivers, it seems most appropriate to follow published Guidance. Please let me know if you feel a petition from residents will assist you in moving forward with this request.

Sincerely,

Christopher Budnik - Engineer Vice President - Newport Heights Improvement Association

References:

1. Newport Heights Neighborhood School Traffic Study - Tustin Ave Speed Data Page 29 <u>https://www.newportbeachca.gov/home/showpublisheddocument/64732/637043071335830000</u>

2. State Level Engineering Guidance (Caltrans/FHWA)

https://dot.ca.gov/-/media/dot-media/programs/design/documents/dod-bikeway-selectionmemo_06302020_signed-a11y.pdf

https://safety.fhwa.dot.gov/ped_bike/tools_solve/docs/fhwasa18077.pdf

3. NACTO Urban Bike Design Guide (NACTO) – Designing for All Ages And Abilities Chapter <u>https://nacto.org/wp-content/uploads/2017/12/NACTO_Designing-for-All-Ages-Abilities.pdf</u> City Council,

Colonialism has given way to new attitudes and laws regarding Native Americans, their lands, and artifacts. Museums throughout the country have closed exhibits and are working with tribal leaders to determine *if* and *how* to display their artifacts.

The Department of the Interior announced 3 million acres in 15 states were restored to Tribal trusts. As have lands in California from Altadena, to Bolsa Chica, to the northern redwoods. The leader of the Landback movement said, "We need to recognize that landback is crucial to the health of our mother earth and potentially our survival as humans on this planet. Native cultures are profoundly interwoven with the natural environment, the plants, the animals, and natural features."

Which brings me to Fairview Park, known as the Fairview Indian Site on the National Register of Historic Places, and one of two federally listed archaeological sites in Orange County. Here, the artifacts of the Acjacheman and Tonga tribes have been scavenged by trophy hunters, buried under highly corrosive builder's rubble, and torn up by kids on e-bikes. Our city council's only action is to invite vandals to alter the watershed of the vernal pools that have been there for centuries.

The cultural and spiritual home of the Acjacheman and Tonga tribes is more than the ancestral artifacts. It is the land and vernal pools that sustained them and hundreds of species of birds, butterflies, amphibians, lizards, snakes, and fairy shrimp. These biodiverse ecosystems are not just the edifice in which they worship, *they are the entities of their worship* - one with the earth. California is blessed with more species of plants and animals than any other state, about ONE-THIRD of ALL species in the nation. Our soils hold more than ONE-QUARTER of the WORLD's biodiversity, boasting more than 2,500 different types of soil. That is why the President and Governor wrote executive orders including Native American tribes in the restoration of 30% of land and water by 2030.

Since Measure AA was voted into law, you have ignored the residents' wish

to protect Fairview Park. Where you treat Christian and other houses of worship with reverence, you invite the desecration of ancestral artifacts integral to the worship of the Acjachemen and Tonga tribes, when the law clearly states, "No person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value."

You are on the wrong side of this issue! Fairview Park is larger than all of the city parks combined, yet you haven't given Kelly Dalton, the park administrator, the staff and funding he needs to manage this 208 acre nature reserve and archeological site. My question to you is, what will it take for you to abide by the law?!

Priscilla Rocco

City Council,

Our city council is using a corporate trick: When an unpleasant truth comes out, don't fix the problem, just spend lavishly on a marketing campaign. Such was the second community outreach for Fairview Developmental Center (FDC). This, the latest in the council's attempts to prove they're including residents in "robust" discussion on important issues of the day, which they summarily ignore. This, however, surpassed even the Housing Element outreach as the highest form of satire and political theater.

The only goal of the meeting was to edit the text of the "Draft Visioning & Guiding Principles, Market Study and Land Use Framework Options" document, which is a new take on the Tinkerbell effect. A fairy tale where anything is possible, if you just believe. But the audience didn't clap. Some were baffled, others came prepared. Cynthia McDonald pointed out the flaws in their process and documents, but was cut off when she tried to ask specific questions. Residents persisted, since FDC is the only place affordable housing will be built, they wanted to know what types and where it will be located. And some wanted to know who'll buy market-rate and luxury housing next to an Emergency Operations Center (EOC), designed to serve half the state's population. Whereupon, the speaker moved the EOC presentation to the end of the program - a tactic used before to run out the clock.

To add to the farse, the Office of Emergency Services sent Brian Ferguson, a marketing/public relations representative, to answer questions. Many residents referred to the EIR detailing the helipad; the ten-story telecommunications tower, the warehouse(s), trucks, and the headquarters. His answer to most questions was, "that's above my pay grade." He tried to be folksy, used anecdotes to downplay these features, and finally in desperation proffered jobs the EOC may bring to the city. He, however, fell silent when it was pointed out that the EIR is an official document, and his comments were just so much...well, you get the idea.

Almost half of Costa Mesa residents are low-income who desperately need affordable housing. The last administration insulted and ridiculed them, and

colluded with developers. You orchestrate useless outreach, then give developers everything they want and beg for crumbs. The result is the same. Developers govern all building in the city to exclude affordable units. But if the state sanctions us for lack of affordable housing, or we're sued for redlining, it's not the developers who'll end up paying, it'll be the residents with their tax dollars.

Priscilla Rocco

From:	Enrique Morales (Work Force Homes)	
То:	CITY CLERK	
Cc:	info@workforcehomes.com	
Subject:	Tiny Homes for FREE in your City	
Date:	Monday, February 19, 2024 5:12:43 PM	



Dear Councilmember,

Since Movable Tiny Homes count toward RHNA (regional housing needs allotment) numbers, they have the potential to solve your "out of compliance" issue. But how do you motivate homeowners in your city to place them on their property? Do it by offering them for free.

Why not place a movable tiny home (at no charge) on the homeowner's lot and let them rent it? WorkForce Homes is offering free Movable Tiny Homes under the following plan:

The homeowner promises to rent the movable tiny home (to satisfy the state demand) and receives 25% of the rent for the use of their land, while Workforce Homes would keep 75% for providing the movable tiny home at no cost. The City's obligation is to guarantee rent every month to WorkForce Homes, including vacancy time. Rent is guaranteed for a term of 10 years and WFH retains ownership of the Tiny homes, but owners can buy the units at the end of the term. An alternative method could be the renter pays the city and city pays WFH 75% and offers the homeowner 25% of rent in cash or as a deduction in yearly taxes due.

This would free your city of excessive development, congestion, and demands on the infrastructure. It balances the need to comply with Government demands and the need to motivate the homeowner to assist in a solution- satisfying the state and keeping the character of the city.

WorkForce Homes is happy to bring a Movable Tiny Home to your City Hall for all to inspect. Let us know if we can help solve your compliance issue (Below is a download link to our introductory model-the Compact Tiny Home)

Sincerely,

Enrique Morales www.workforcehomes.com 661-367-1115 cel 310-702-9776 info@workforcehomes.com

Attachments Compactrevised_151.pdf

Android App Store | iOS App Store



Dear Councilmember,

The State has said your city is out of compliance because of its slow production of affordable housing units. So how do you preserve the character of your city and satisfy the State, and keep developers under control? Movable Tiny Homes.

Movable tiny homes can be used to satisfy state RHNA numbers (regional housing needs allotment). That means if the state says Costa Mesa needs to add affordable housing units, the city is not a prisoner to a developer that demands 10 times that in overall units- only add what you need.

LA City has an ordinance that allows for movable tiny homes as ADUs. Adopt that ordinance and let your citizens solve the housing problem for you: let profit motivate the individual and allow them to rent their movable tiny home ADU.

Backyards are underutilized and invisible to the community. By allowing movable tiny homes to be used as ADUs in the backyards, Costa Mesa will address the state concern for affordable housing, reward its citizens with an income source, not change the character of the city, and most importantly not waste tax payer money subsidizing greedy developers bypassing city rules using "builder's remedy".

Movable Tiny Homes are constructed off-site and delivered- in most cases can be driven directly into the backyard. These certified and approved movable tiny homes can be installed at a fraction of the cost/time of a traditional ADU.

HCD has also signed off on movable tiny homes for year round living. (Download links below) Implement the LA City ordinance and immediately satisfy the state.

I would be happy to deliver one of our movable tiny homes to the Costa Mesa City Hall for all to inspect.

The Reasons why "the Best ROI on ADU in LA is an MTH (Movable Tiny Home)" are :

- LA City defines them as ADUs
- Does not require a building permit
- Does not trigger a property tax reassessment
- 5 yr depreciation vs 27 year.
- Fraction of the cost of an ADU
- Fraction of the time of an ADU
- Does not require sprinklers
- Does not require Solar
- Does not require a separate sewer line to the street.

Sincerely,

Enrique Morales

www.workforcehomes.com 661-367-1115 cel 310-702-9776 info@workforcehomes.com

Attachments mthordinance_44.pdf HCDsupport_45.pdf Compactrevised_18.pdf

Android App Store | iOS App Store

From:	<u>Janet Loftus</u>	
То:	CITY CLERK; CITY COUNCIL	
Subject:	1858 Newport Blvd - CUP Appeal	
Date:	Monday, February 5, 2024 3:19:39 PM	

Hello City Council Members,

I am a 26 year resident of Eastside Costa Mesa and <u>I ask you to please</u> <u>uphold the Planning Commission Denial of the Conditional Use Permit for</u> <u>1858 Newport Blvd</u>.. When cannabis storefronts were approved in Costa Mesa, I assumed that our Costa Mesa leadership would set up a responsible framework for future development, in the best interest of our City. Recently, I've been dismayed to see the highly visible locations of some of the new stores opening up, and was in disbelief when I became aware that there are plans for 4 dispensaries in a row at Broadway and Newport Blvd, just a few blocks from our home. After further research, I've discovered that there is NO required distance between dispensaries, NO required distance from dispensaries to residences, and unbelievably, NO Cap to the number of dispensaries. This apparent lack of foresight as to how this would affect our community is disappointing.

These 4 dispensaries in a row at Newport Blvd and Broadway are right in the heart of our city, across from Triangle Square, where kids walk or ride their bikes from the neighborhood to the movie theater. This is horrible for our city, and this cluster of dispensaries will create a negative perception of the neighborhood, especially for families and individuals who may not be supportive of the cannabis industry. This will deter potential residents, investors, and businesses from wanting to move into or invest in the area. The presence of multiple dispensaries in close proximity will also have a negative effect on property values in the surrounding area. Concerns about increased traffic, crime, and the overall image of the neighborhood could lead to decreased demand for properties.

There are residences just 25' from the back of the proposed Cannabis store at 1858 Newport Blvd. So are we really protecting our children when we require the dispensary to be 1000 feet from their school, yet they come home and it's literally in their back yard?

To address the bigger picture - in addition to the 21 Costa Mesa marijuana dispensaries that have already been approved, there are currently 33 more retail cannabis storefront applications in various stages of review; and of these at least 16 (possibly more) are on Newport Blvd! This is insanity, and will most definitely change the face of our city, as we become the mecca of cannabis sales in Orange County.

We are at a pivotal point right now, and it will be very difficult to get the genie back in the bottle if the cannabis industry is allowed to have free reign in Costa Mesa. <u>Please deny this appeal in the best interests of the businesses and</u> <u>residences of our neighborhood.</u> Thank you,

Janet Loftus

From:	Adrianna Fisher
То:	CITY CLERK
Cc:	PC Public Comments
Subject:	1858 Newport Blvd, Costa Mesa
Date:	Monday, February 5, 2024 9:21:39 AM

My neighbor forwarded me tomorrow's agenda for 1858 Newport Blvd conditional use permit review, we have yet to receive any letters or outreach from the applicant. I thought this was a requirement from the city staff?

I would be very disappointed if our city council continued to approve another dispensary on Newport Blvd when they already approved two. I feel that our public comments are not taken seriously.

I am very dissatisfied with the lack of control of our cannabis ordinance, I still don't understand why we need 20 or 30 dispensaries in our city and next to each other driving through a narrow and dangerous alley.

From:	Thien Pham
To:	CITY CLERK; PC Public Comments
Subject:	1858 Newport Blvd, Costa Mesa CUP Review
Date:	Sunday, February 4, 2024 6:34:09 PM

I am writing to express my concerns regarding the proposed cannabis conditional use permit for 1858 Newport Blvd in Costa Mesa. While I understand the potential economic benefits of such businesses, I believe there are valid reasons to deny this permit.

First and foremost, the location in question is in close proximity to two approved cannabis retailers. Allowing another cannabis dispensary in this area could have a negative impact on the safety and well-being of our community's children. We should prioritize their welfare above all else.

Additionally, the increased traffic and potential for public disturbances that often accompany such establishments could disrupt the peaceful atmosphere of the neighborhood. This could lead to decreased property values and a diminished quality of life for residents.

I kindly urge you to consider these concerns when making your decision on the cannabis conditional use permit. I believe that protecting the interests and safety of our community should be the top priority.

Thank you for your time and consideration.

Sincerely,

Thien Pham

Hello,

I am submitting my comment in preparation for the City Council meeting relating to the issue of the proliferating cannabis dispensaries in Costa Mesa.

This trend is extremely troubling. As a mother of three sons, two of whom are still teenagers, I have had to fend off the casual approach to cannabis given the wild proliferation of dispensaries on every block. The cannabis available today is far more easily snuck into bags and smoked during the school day while on campus.

Isn't it the job of adults to ensure a safe and healthy environment for all of our kids? What use is the City Council if it's not there to make responsible decisions for all of its citizens. We have ENOUGH options for where to buy cannabis. More shops on Newport Boulevard and around Costa Mesa are totally not necessary.

It's no secret that the version of cannabis is highly addictive and even causes psychosis in young people. The cannabis addiction is becoming an epidemic. And people from Newport Beach and other cities come to purchase their drugs in Costa Mesa. Do we really want that reputation as being the place to score cannabis? Please do your part and put a limit on this ugly trend.

Kind Regards,

Lynn K. Girvin, Esq.

Law Office of Lynn K. Girvin 3415 Lake Center Dr., Santa Ana, CA 92704 (714) 619-4145 https://www.lynngirvinlaw.com

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From:	Farleigh Patterson
То:	PC Public Comments; CITY CLERK
Subject:	DENY 1858 NEWPORT BLVD, COSTA MESA
Date:	Sunday, February 4, 2024 10:41:34 PM

Dear Council Member and Planning Commission

I wanted to share my thoughts on the proposed cannabis conditional use permit for 1858 Newport Blvd in Costa Mesa and respectfully request that you deny this application.

One of my primary concerns is the potential impact on our local business community. Allowing another cannabis dispensary in close proximity to other businesses may deter potential customers and negatively affect their operations. This, in turn, could lead to job losses and economic instability in our area.

Moreover, I am concerned about the message we send to our youth when we permit such establishments in our neighborhood. It may inadvertently normalize cannabis use among young people, which is something we should actively discourage given the potential health risks associated with early cannabis consumption.

I urge you to consider the long-term implications of this decision and the potential harm it could cause to our community's businesses and youth. Please vote against the cannabis conditional use permit at 1858 Newport Blvd.

I am a proud member of the "WE ARE COSTA MESA" community.

Thank you for your attention to this matter.

Sincerely,

Farleigh Patterson

From:	Keith Cohen
To:	CITY CLERK
Cc:	PC Public Comments
Subject:	Deny this Cup Application
Date:	Sunday, February 4, 2024 10:17:51 AM

I am a long time resident of eastside Costa Mesa!!!

I don't understand why Mayor Stephens is requesting this review. When are we going to amendment our Cannabis ordinance? We are certainly not against Cannabis and its operator; But are against putting cannabis business in every corner of this community. And to think that our council member is considering 3 cannabis stores next to each other is unacceptable.

Would you live on Eastside Costa Mesa?

What are we giving up for cannabis? No national chain business will invest in our community if cannabis is taking over our city.

Keith Cohen

From:	COLGAN, JULIE
To:	CITY CLERK
Cc:	PC Public Comments
Subject:	FW: 1858 Newport blvd cannabis retail
Date:	Monday, February 5, 2024 2:14:23 PM
Attachments:	Image-1.jpg
	image001.jpg



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From: Real Estate <careinvestor2002@gmail.com> Sent: Monday, February 5, 2024 2:07 PM To: PC Public Comments <PCPublicComments@costamesaca.gov> Subject: 1858 Newport blvd cannabis retail

It's me Chad Talbert again. My neighbors are telling me this project is being appealed?? I urge we NOT approve it again based on the same reasons mentioned below in my email. My kids play in this alley all the time and it's right outside of our home why would we allow stoned drivers to grab their pot and zoom down the alleyway?? Let's not allow greed to corrupt our city and our minds. Would you want to raise your kids in front of a pot shop? I sure as heck don't!!! Would you want stoners to vroom right by your house where your kids enjoy their outdoors?? This is insanity I don't know how this project got brought up on appeal but please do the right thing and deny again. We still have hope for our beautiful city do the right thing and deny deny!!

Begin forwarded message:

From: Real Estate <<u>careinvestor2002@gmail.com</u>> Date: December 6, 2023 at 5:59:56 PM PST To: <u>pcpubliccomments@costamesaca.gov</u> Subject: 1858 Newport blvd cannabis retail

How is it possible that this can be approved for a retail and delivery cannabis entrance??? Ingress and egress going two way in this residential alley??? Are you trying to have my kids ran over??? Seriously have some morals would you want to raise your family here? You're literally exposing my children to an unsafe environment.

Image-1.jpg

A concerned Costa Mesa resident, Chad Talbert

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?



 From:
 OOSTERHOF, NAOMI

 To:
 CITY CLERK

 Subject:
 FW: 1858 Newport Blvd, Costa Mesa CUP Review, Please DENY

 Date:
 Monday, February 5, 2024 7:58:13 AM

 Attachments:
 image001.png image002.png

Hi,

Here is another one.

Thank you!



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Naomí Oosterhof	
City of Costa Mesa – Development Services Department	From: Patricia Windsor
77 Fair Drive Costa Mesa CA 92626	<leanbeefpatty932@yahoo.com></leanbeefpatty932@yahoo.com>
Office: (714) 754-5245	Sent: Sunday, February 4, 2024 5:48
	PM

To: PC Public Comments <PCPublicComments@costamesaca.gov> **Subject:** 1858 Newport Blvd, Costa Mesa CUP Review, Please DENY

I am surprised this conditional use permit that was denied at the last planning commission meeting is up for review.

And more surprising that the reason for request by Mayor Stephens is "To provide the

applicant with a fair de novo hearing based upon the relevant issues under the Costa Mesa Municipal Code."

Why is this Conditional use approval so unique that Mayor Stephens called for a Review? and not on other denied applications?

What about the citizens of Costa Mesa? We have been voicing our concerns and request for an amendment of the cannabis ordinance, and yet no real actions have been taken. I would suggest that all council members take deep consideration of their community.

Over concentration of pot shops will clearly have a huge impact on the image of our community.

I ask that we entrusted and uphold the decisions that our planning commission denial of this project.

Regards, Patricia

 From:
 OOSTERHOF, NAOMI

 To:
 CITY CLERK

 Subject:
 FW: DENY Cannabis store 1858 Newport Blvd, Costa Mesa

 Date:
 Monday, February 5, 2024 7:59:10 AM

 Attachments:
 image001.png image002.png

Hi,

Here is another...

Thank you!



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Naomí Oosterhof

City of Costa Mesa – Development Services Department	From: Malik Pacheco
77 Fair Drive Costa Mesa CA 92626	<angelsever5@proton.me></angelsever5@proton.me>
Office: (714) 754-5245	Sent: Sunday, February 4, 2024 3:49
	PM

To: PC Public Comments <PCPublicComments@costamesaca.gov> **Subject:** DENY Cannabis store 1858 Newport Blvd, Costa Mesa

Feb 4, 2024

To Whom It May Concern

On the last planning commission this CUP was denied, and we were extremely thankful that our leaders have stood up for the residence. I am very concerned that our Mayor is requesting a review on this denied CUP and supporting cannabis business instead of the voice of the community members.

I am a longtime resident of Eastside Costa Mesa and am writing in reference to the proposed Cannabis store at 1858 Newport Blvd, Costa Mesa

I request that the City Council to DENY this cannabis store to be opened at this address, there are already TWO approved cannabis shop within the same corner on Newport and Broadway. This is excessive and unnecessary.

We eastside residents are not interested in becoming the gateway for Drugs distribution on Newport and Broadway.

From:	OOSTERHOF, NAOMI	
То:	CITY CLERK	
Subject:	FW: ENOUGH IS ENOUGH – PLEASE STOP THE CANNABIS APPROVAL	
Date:	Monday, February 5, 2024 7:57:20 AM	
Attachments:	image001.png	
	image002.png	

It doesn't look like you were Cc'd on this email....

Thank you!



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Naomí Oosterhof	
City of Costa Mesa – Development Services Department	From: Sara Brighton
77 Fair Drive Costa Mesa CA 92626	<sara_usc98@outlook.com></sara_usc98@outlook.com>
Office: (714) 754-5245	Sent: Sunday, February 4, 2024 7:45
	PM

To: PC Public Comments < PCPublicComments@costamesaca.gov> **Subject:** ENOUGH IS ENOUGH – PLEASE STOP THE CANNABIS APPROVAL

As a resident of Costa Mesa for more than 10 years, I kindly ask that we put a hold on all Cannabis applications. We already have over 20 cannabis approved retail stores, our city does not need 30 cannabis stores. We are certainly not against cannabis, but we are against the lack of control of cannabis stores.

I have witnessed changes at our planning commission and city council meetings to be flooded with Cannabis reviews and discussion. We are taking away valuable time and resources from more important matters such as housing development, community development, schools and educations.

I agree with the last planning commission comment, what are we giving up in order to collect cannabis taxes and revenue? Let's focus on what's important to our community, Cannabis is certainly NOT one.

PLEASE DENY 1858 NEWPORT BLVD, COSTA MESA CUP REVIEW !!!!

From:	COLGAN, JULIE	
То:	CITY CLERK	
Cc:	PC Public Comments	
Subject:	FW: Evolv Herbal – 1858 Newport Blvd, Costa Mesa	
Date:	Monday, February 5, 2024 2:14:43 PM	
Attachments:	image001.jpg	
	image002.jpg	



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From: Lenore Sinnett <lenoresinnett8@gmail.com>

Sent: Monday, February 5, 2024 2:11 PM

To: PC Public Comments < PCPublicComments@costamesaca.gov>

Subject: Evolv Herbal – 1858 Newport Blvd, Costa Mesa

I would ask the city council to uphold the facts in support of the findings for denial by the planning commission dated Dec 11, 2023.

The proposed use would conflict with the necessary mix and balance of commercial goods and services in plan (Policy LU-1.1) Additionally, based on the proposed concentration of similar uses, the proposed use would not "encourage a mix of land uses that maintain the City's long-

term fiscal health" (Policy LU-6.1), and thereby would be fiscally materially detrimental to the adjunct commercial district.

We kindly ask our city council to continue to recommend DENIAL on 1858 Newport Blvd cannabis retail based on the planning commission decision.

Regards,

Lenore

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From:	OOSTERHOF, NAOMI	
То:	CITY CLERK	
Subject:	FW: Planning application 22-22. Cannabis CUP	
Date:	Monday, February 5, 2024 8:06:47 AM	
Attachments:	image001.png	
	image002.png	

Hi again,

Here is another one City Clerk was not Cc'd on.

Thank you!



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Naomí OosterhofCity of Costa Mesa – Development Services Department77 Fair Drive | Costa Mesa | CA 92626Office: (714) 754-5245Sent: Sunday, Febru

<summitseven82@outlook.com>
Sent: Sunday, February 4, 2024 8:47
AM

To: PC Public Comments <PCPublicComments@costamesaca.gov> **Subject:** Planning application 22-22. Cannabis CUP

Dear Planning Commission,

I just received Tuesday city council agenda; I am shocked to see the previously denied

cannabis application up for review? and why is the review requested by Mayor Stephens when the applicant did not apply for appeal?

I am getting concerned about the amount of cannabis shops still planning to open in Costa Mesa. We already have so many approved retail in our city.

I understand that cannabis is beneficial and helpful to some people, but I don't understand why we need to have so many stores right next to each other.

I assume all the stores offer similar products; I just don't believe the demand in the city meets the supply. We don't need that many stores. I feel the city atmosphere has changed, the cannabis stores have replaced the mom-and-pop stores that gave Costa Mesa its original charm.

We already have two Cannabis store on Newport and Broadway, and I believe there are a couple opening next to it. We do not need a third and fourth store next to each other. Please reconsider allowing another cannabis store on the same street and consider spreading them out to have a less impact on our community image.

Thank you,

Moe Althani

From:	OOSTERHOF, NAOMI	
То:	CITY CLERK	
Subject:	FW: Please stop approval of all Cannabis CUP	
Date:	Monday, February 5, 2024 8:08:12 AM	
Attachments:	image001.png	
	image002.png	

Here is another...

Thank you!



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Naomí Oosterhof	
City of Costa Mesa – Development Services Department	From: Kyllian Rue
77 Fair Drive Costa Mesa CA 92626	<ruekyllian@gmail.com></ruekyllian@gmail.com>
Office: (714) 754-5245	Sent: Saturday, February 3, 2024
	7:43 PM

To: PC Public Comments <PCPublicComments@costamesaca.gov> **Subject:** Please stop approval of all Cannabis CUP

Hello,

I am writing to protest the opening of yet another cannabis shop on Newport Blvd. There are too many cannabis shops on Newport Blvd and in Costa Mesa!!! Is this the image you want for our

community?

I assume the tax revenue the city reaps from these stores are the reasons why so many of them are getting approved, but enough is enough!! Costa Mesa is oversaturated with cannabis stores!! Costa Mesa used to be the city of the Arts, now it should be called the City of Cannabis.

Bring back the artistic and creative trades back again!!

It is unacceptable that the leadership we voted to run our city are not concerned about the future image of our community. What are we giving up for the cannabis revenue?

Thanks,

Kyllian Rue
From: **OOSTERHOF, NAOMI** To: **CITY CLERK** Subject: FW: STOP THIS CANNABIS CUP FROM GETTING APPROVED !!!! Date: Monday, February 5, 2024 8:10:16 AM Attachments: image001.png image002.png

Hi.

I believe this is the last one...

Thank you!



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Naomí Oosterhof

City of Costa Mesa – Development Services Department	From: Marc Dorris
77 Fair Drive Costa Mesa CA 92626	<marcanineutube@gmail.c< th=""></marcanineutube@gmail.c<>
Office: (714) 754-5245	Sent: Saturday, February 3

com> 3, 2024 1:56 PM

To: PC Public Comments < PCPublicComments@costamesaca.gov> Subject: STOP THIS CANNABIS CUP FROM GETTING APPROVED!!!!

I am writing again to stop the opening of 1858 Newport Blvd in Costa Mesa. What has our city become? We already denied this application at the last CUP hearing. Has Greed taken over our community? Are we no longer concerned about the Eastside residence? We have way too many Weed Shops, Bars, Rehabs. We do not need 3 to 4 Weed Shop next to each other. Please stop this from happening!

-Marc Dorris

From:	Marc Abelowitz
То:	CITY CLERK; PC Public Comments
Subject:	Over Concentration of Cannabis Retail Location.
Date:	Saturday, February 3, 2024 9:49:01 PM

Costa Mesa City Council,

It has been brought to my attention that another cannabis dispensary on Newport Blvd is requesting to open. My neighbors and I are all in agreement that there simply are too many cannabis retail stores on Newport Blvd and Broadway Junction. We feel that the city needs to slow down the opening of so many dispensaries. Maybe a more extensive application process would be beneficial in making sure these businesses are a good fit for our community. Whatever it is, something needs to be done to prevent so many of these dispensaries from opening so quickly. I do hope you will take into consideration my thoughts and care on this matter.

-Marc Abelowitz

From:	lared J. Oliver
To:	CITY CLERK; PC Public Comments
Subject:	Planning Application 22-22, Deny Cannabis application.
Date: S	Sunday, February 4, 2024 9:19:50 PM

I am also a long time residents of eastside Costa Mesa

I am hoping that my concern will be heard by the council members on this cannabis application review.

One of the key reasons for my opposition is that the presence of cannabis dispensary could negatively impact the image of our neighborhood, making it less attractive to residents and potential new business. Our city deserves to maintain its positive reputation as a safe and family-friendly place to live.

I appreciate your dedication to our community and kindly ask you to consider these concerns when making your decisions on this conditional use permit. Please vote against it to ensure the safety and wellbeing of our residents.

Thank you,

Jared Oliver

From:	Chris T Lambert
То:	PC Public Comments; CITY CLERK
Subject:	Please DENY 1858 Newport Blvd (Evolv Herbal)
Date:	Saturday, February 3, 2024 11:01:32 AM

Members of the City Council,

I am writing to you with frustration and confusion. The community has already spoken and expressed their concern and disapproval of another cannabis dispensary opening on Newport Blvd at the Planning Commission meeting. Members of the Planning Commission carefully listened to and took into consideration our thoughts and concerns regarding the oversaturation of cannabis dispensaries on Newport Blvd along with the entire city of Costa Mesa. They made the proper decision to deny this application from moving forward. I am having a hard time understanding why Mayor Stephens is requesting a review from the City Council. This is unnecessary and a complete disregard of community members' concerns.

- Chris Lambert

To Whom It May Concern,

It is quite shocking and seriously concerning that the city would allow so many cannabis stores to open in such distance. I support cannabis businesses in Costa Mesa; however, I do not support the influx of shops in such close quarters. It feels like not enough thought is put into deciding which cannabis projects are approved. I see new shops opening all over town. I also hear from neighbors and friends of many future shop openings in the area. Please do not take this lightly. Your residents demand more from you and you reject this proposal.

Best Regards,

Jim Neider

From:	Alexander Haberbush
To:	CITY CLERK
Subject:	Please Uphold Planning Commission"s Decision on Reference No. PA-22-22
Date:	Monday, February 5, 2024 2:22:38 PM
Attachments:	AHH.2.CITY.PLANNING.COMMISSION.PDF
	ALLEY FACTS (reduced).pdf

Dear Members of the Costa Mesa City Council,

As legal counsel representing concerned homeowners and business operators in Eastside, Costa Mesa, I previously communicated our objections to the conditional use permit under Reference No. PA-22-22, following the Planning Commission's decision which aligns with our stance. This decision is now scheduled for your review on February 6th, at the request of the mayor.

Our objections are rooted in California land use and zoning laws, as well as the Costa Mesa Municipal Code. The proposal to establish an additional cannabis retail store at 1858 Newport Blvd. clashes with these frameworks by:

- · Incompatibility with general area developments;
- · Negatively impact on health, safety, and general welfare;
- · Inconsistency with the General Plan Designation.

These concerns were detailed in our letter to the Planning Commission, a copy of which is attached to this email, along with a PDF fact sheet highlighting issues related to alleyway access behind the proposed location.

The Planning Commission's decision was made after careful deliberation of these points. The mayor's subsequent decision to review this matter, especially in the absence of an appeal by the applicant, is both unusual and concerning. This action brings to light potential issues of impartiality and consistency within the city's decision-making process, reminiscent of past situations like the litigation involving From The Earth, which is currently suing the City for \$50 million. The apparent preferential treatment of this applicant warrants your careful scrutiny.

It is imperative that the City Council considers the Planning Commission's decision with the seriousness it deserves. Upholding the commission's ruling not only supports the integrity of the Eastside community but also affirms the Council's dedication to equitable and consistent governance. As we approach the review date of February 6th, I urge you to reflect on these points and the broader implications of this decision on our community.

Should you wish to discuss this matter further, please do not hesitate to contact me via this email or the information provided in my signature below.

Thank you for your attention to this important issue,

Alexander Haberbush, Esq.

LEX REX INSTITUTE

444 West Ocean Boulevard, Suite 1403

Long Beach, CA 90802

Telephone No. (562) 435-9062

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Constitutional Advocates 444 West Ocean Boulevard, Suite 1403 Long Beach, CA 90802 http://www.LexRex.org

Alexander H. Haberbush, Esq. Deborah L. Pauly, Esq.

TELEPHONE (562) 435-9062 FACSIMILE (562) 600-7570 AHABERBUSH@LEXREX.ORG

December 5, 2023

VAEMAIL

adam.ereth@costamesaca.gov russell.toler@costamesaca.gov jon.zich@costamesaca.gov johnny.rojas@costamesaca.gov angely.vallarta@costamesaca.gov karen.klepack@costamesaca.gov jimmy.vivar@costamesaca.gov

Re: Formal Objection to Proposed Conditional Use Permit (Reference No. PA-22-22) for Cannabis Retail Stores at 1858 Newport Blvd., Costa Mesa

Dear Planning Commissioners,

I write to you as legal counsel representing concerned homeowners and business operators in the Eastside community of Costa Mesa, specifically regarding Reference No. PA-22-22. This communication serves as a formal objection to the proposed conditional use permit for the establishment of an additional cannabis retail store at 1858 Newport Blvd., a location situated at the crucial intersection of Newport and Broadway, directly across from the Triangle. My client has authorized me to appeal to City Council if the conditional use permit is approved.

In alignment with California land use and zoning laws, and as stipulated in the Costa Mesa Municipal Code, Chapter V (2023), it is imperative that any new development be substantially compatible with existing developments in the area and not materially detrimental to adjacent properties. The proposed plan, involving the establishment of three consecutive cannabis retail stores, fails to meet these critical criteria. This overconcentration significantly disrupts the diverse and balanced character of the Eastside Neighborhood, undermining the intended image for this key gateway area.

December 5, 2023 Page 2

To approve the permit, the this Commission must affirmatively find the following:

- A. The proposed development is substantially compatible with the developments in the same area and will not be materially detrimental to other properties.
- B. Granting the permit will not be materially detrimental to the public's health, safety, and welfare or injurious to property or improvements in the neighborhood.
- C. The permit will not allow a use, density, or intensity not in accordance with the general plan designation and applicable specific plan for the property.

None of these three criteria can be met.

A. Compatibility with General Area Developments

The proposed development of three consecutive cannabis retail stores at this location creates an overconcentration of similar businesses, fundamentally incompatible with the diverse and balanced character of the Eastside Neighborhood. This clustering of cannabis retailers disrupts the image and essence of a gateway to our community, disregarding the importance of maintaining a varied economic landscape. Moreover, the applicant has not conducted any outreach to neighbors, failing to gauge community understanding or address their concerns. This lack of engagement is a critical oversight in the planning process and speaks to the project's disconnect with community interests.

B. Impact on Health, Safety, and General Welfare

The effects of overconcentration of cannabis retailers are well-documented. Areas with a high density of cannabis businesses tend to experience increased rates of crime, including disturbances and public safety incidents. This places a considerable strain on local law enforcement resources and erodes the community's sense of security. Beyond the potential rise in crime, the overconcentration of these retailers leads to significant quality of life issues. The presence of multiple cannabis shops in close proximity causes increased traffic, noise, and loitering, thereby impacting the overall tranquility and residential nature of the neighborhood. Furthermore, the proliferation of cannabis retailers in such a concentrated area can deter potential homebuyers and investors, leading to a decline in property values. This not only affects individual homeowners but also has broader implications for the economic stability and attractiveness of the neighborhood.

C. Inconsistency with General Plan Designation

The establishment of three consecutive cannabis retail stores at this location is not in

Telephone: (562) 435-9062 | 444 W. Ocean Blvd., Ste. 1403, Long Beach CA, 90802 www.LexRex.org December 5, 2023 Page 3

accordance with the general plan designation, intensifying the area in a manner inconsistent with city planning. This overconcentration disrupts the intended balanced use of the area and the alley servicing the location is not equipped to handle the cumulative impacts of an additional store. The development, therefore, stands in direct conflict with the city's general plan and specific plans for the area, which are designed to ensure harmonious land use and community development.

Moreover, the displacement of existing businesses for additional cannabis retail establishments, particularly in an area like the Eastside community, represents a detrimental shift in both the economic and social fabric of the neighborhood. This is contrary to the spirit of community development upheld by local and state regulations.

Conclusion

In light of these concerns, it is clear that the proposed development under Reference No. PA-22-22 fails to meet the necessary criteria for the granting of a conditional use permit as stipulated by the Costa Mesa Municipal Code. We strongly urge the City Council to deny this application to preserve the integrity and welfare of the Eastside community. We trust that the Council will consider these points with the gravity they deserve and act in the best interests of the Costa Mesa community.

Very truly yours,

LEX REX INSTITUTE

By:_

Alexander H. Haberbush, Esq.

ATTENTION COSTA MESA RESIDENTS

WE NEED YOUR HELP NOW!!!

STOP THE OVERCENTRATION OF THREE CANNABIS STORES SIDE BY SIDE BY SIDE

The reason for this Mailer is to inform you that next <u>Monday, 12/11/23 at 6pm</u> the city planning commission is about to approve another cannabis retail store at <u>1858 Newport Blvd</u>, making three Cannabis Retail shops side by side by side.

Many neighbors have expressed concern that this is not the image we want for the community and the gateway to the Eastside residents. This is a residential access point on Broadway. The Business is accessed through a residential alleyway that is very small and a safety hazard. More Importantly we do not need three side-by-side-by-side Cannabis Stores in a residential area.

With so many cannabis stores in a row, will this increase crime? How do we know until it is too late?

Most of us neighbors are not against cannabis but enough is enough. Please help support a reduced impact and safer Costa Mesa by sharing your concerns in person by attending the city planning hearing on Monday and please email your concerns and comments to the Planning Commission.

Planning Commission Meeting – Monday December 11,2023 starts at 6pm Location - 77 Fair Drive, City Hall, in City Council Chambers 1st Floor Watch – ZOOM or City Channel on Yoube Email Comments - PCPublicComments@costamesaca.gov

Email no later than noon on Monday 12/11/23

Reference address to be Deny - Cannabis Store at 1858 Newport Blvd, Costa Mesa

HOW YOU CAN HELP!!! PROTECT YOUR COMMUNITY IMAGE

Reference address to be Deny - Cannabis Store at 1858 Newport Blvd



City of Costa Mesa PARKING DESIGN STANDARDS

(All Zones except R1)

Revised November 1, 1999 per Resolution #99-74





Standard Parking Stall is 9 feet wide

Residential



Alley Intersection

Pot Shop

Drive Aisle

Residential Bollard Defense System indicates a safety issue

Standard Parking Stall is 9 feet wide



10 Foot Choke Point Drive Aisle

10 Foot Choke Point Drive Aisle

To city counsel members:

I am a homeowner in your district and my sentiments are shared by many of my neighbors. I have an attorney, Alex Haberbush, who is retained to prevent our community from deteriorating into a pot corridor. We understand the rights of businesses and most of us are ok with having some pot shops. However, none of them signed up for having four pot shops side by side by side by side. I am not a land use expert, but I do believe this to be the very definition of overconcentration. I read the findings and agree with the language cited indicating that the proposed use will conflict with the necessary mix and balance of commercial goods and services in consideration of the needs of the business community, as stipulated by the General Plan Policy LU-1.1.

I am also a voter and so are many of my neighbors that are affected by these potential 4 cannabis shops at the entrance to our community. I am very disappointed that the elected representative of our community who is up for reelection, has not taken a hard line position to protect us. I am also very concerned that my attorney attempted multiple times to reach out to you to discuss this specific issue and you failed to respond at all. This issue is very important to the residents of your district and it would be nice to have some dialog with our elected representative. We have a Change.orgpetition with over 200 signatures supporting us as well.

All residents of the Eastside understand cut through traffic and its impact. I hope you have personally driven this alley to see the potential impacts. I cannot believe you would allow this to further impact our residential neighborhood.

19th and Newport Blvd is the center piece of our town, can we try to keep it somewhat respectable. Thank you for your time. Respectfully, John Upton

Sent from my iPhone

From:	Jayson Simmons
То:	PC Public Comments; CITY CLERK
Subject:	Protect our community (Planning Application 22-22 1858 Newport Blvd)
Date:	Sunday, February 4, 2024 1:22:08 PM

Dear Costa Mesa City Council,

Please do not approve and allow another cannabis dispensary on the corner of Newport and Broadway. The number of dispensaries open and soon to open is getting out of hand. I am angry and very unhappy with these decisions to allow so many cannabis businesses to take over our city. I think the city needs to be listening to its people and what they are saying. We have made it loud and clear to the planning commission that we do not want any more cannabis shops in our city.

-Jayson Simmons

From:	Donavan McNamer
To:	PC Public Comments
Cc:	CITY CLERK
Subject:	Public hearing 2/6/2024 for 1858 Newport Blvd Cannabis cup
Date:	Saturday, February 3, 2024 12:34:51 PM

Dear Planning Commission,

As a parent and resident of Costa Mesa, I would like to voice my concerns about the possibility of another shop opening on Newport Blvd. The image of 3 cannabis stores on our busiest intersection is unacceptable.

I grew up in Costa Mesa and loved the safe, quaint, uniqueness of the city. I had hoped to provide the same environment and lifestyle for my children. It is clear to me that that is now a pipe dream.

There are at least 5 plus cannabis stores within 10-15 minutes of each other. I don't feel comfortable letting my preteens ride their bikes and wander the neighborhood. I am not against cannabis per se, but I do not like the idea of my children having exposure to cannabis stores so early on. Cannabis, though legal, is still a substance that alters your state of mind. I know I can't control my children forever and they will be adults and make their own decisions, but I think it is the responsibility of the parents and joint effort with the community to guide children to make smart choices. I don't want my children to learn to be so nonchalant about a drug, legal or not.

What does it say about our city that we are pushing for cannabis stores rather than parks and libraries? We already have so many stores as is, how does opening more benefit the community?

Please put yourself in so many concerned parents' shoes, please have empathy.

Thank you,

Donavan McNamer

From:	Diana Elizabeth Wolder
To:	PC Public Comments; CITY CLERK
Subject:	1858 Newport Blvd Costa Mesa
Date:	Monday, February 5, 2024 5:14:47 PM

The reason for this email is to oppose another cannabis retail store on Newport Blvd, making it 4 in a row.

Many neighbors have expressed concerns to me about this being a bad image for our city. I can tell you that the voters do not want this image for the gateway to the Eastside. Four shops in a row creates an over concentration of cannabis stores. Would we ever want 4 liquor stores all in a row in such a high visibility location? Of course not.

Many neighbors have expressed concern about things like intensifying a sleepy use, open only 9 am to 5 pm, and closed nights and weekends. How will the small alley with telephone poles handle the increased traffic?

Where will employees park? Is there enough parking for customers? Will parking spill into the streets of our neighborhood?

With so many cannabis stores in a row, will this increase crime? How do we know until it is too late?

Most of the neighbors are not against cannabis.

The neighbors are concerned that we have too many cannabis stores, all in a row and that is not what we want on the Eastside.

Diana Wolder

From:	Sean Loftus
To:	CITY CLERK
Cc:	CITY CLERK
Subject:	Against Cannabis store at 1858 Newport Blvd.
Date:	Monday, February 5, 2024 5:07:20 PM

I am having trouble understanding the need for an abundance of cannabis stores all over Newport Boulevard and throughout Costa Mesa. I know there was a vote that approved these storefronts, however, it was trusted to the city council to do it in a respectful manner to the citizens of our city.

I feel as if I am living in a destination city for all those interested in cannabis. I don't think any Costa Mesa resident or those in neighboring cities want that moniker. I certainly do not.

Four dispensaries clustered together across from Triangle square is ridiculous. They are not the same as restaurants or retail shops... they all sell marijuana. Medical marijuana is still marijuana by the way.

Costa Mesa runs the risk of becoming the butt of jokes, and seen as an undesirable location to live and do business.... We don't want to be known as Ganja Mesa, Cannibas City, Mesa Jane, or the most embarrassing of all; "you know, that place with a cannabis shop on every corner."

Please act now before it is too late.

Sean Loftus

Costa Mesa Resident

From:	COLGAN, JULIE
То:	CITY CLERK
Cc:	PC Public Comments
Subject:	FW: 1858 Newport Blvd - PUT A STOP TO THIS!!!
Date:	Tuesday, February 6, 2024 8:15:37 AM



Julie Colgan Executive Assistant Economic & Development Services Department 77 Fair Drive | Costa Mesa | CA 92626 | (714) 754-5270

"The City of Costa Mesa serves our residents, businesses and visitors while promoting a safe, inclusive, and vibrant community."

City Hall is open to the public 8:00 a.m. to 5:00 p.m. Monday through Thursday and alternating Fridays, except specified holidays. Appointments can be made online at **www.costamesaca.gov/appointments**.

From: Ralph Owen Patterson <thewedge657@outlook.com>
Sent: February 5, 2024 11:53 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: 1858 Newport Blvd - PUT A STOP TO THIS!!!

Council-

I am a long-time resident, and I drive through the alley behind the location at least once a week. How that alleyway is allowed to be a public access road is beyond comprehension. There is no way a person should ever attempt to add more traffic to that usage. So many times, I get stuck with oncoming traffic and must back out or hope the other person does. This creates a very unsafe condition and if this location has regular traffic, it will make that alleyway impassable. Please do a study and figure this out in advance not after the fact. There is no way two or three cannabis retail shops can use that alleyway for customer traffic. Go drive over there and see it firsthand. You will be amazed anyone allows that tiny congested one-way alleyway to exist for public access. I am not a traffic engineer, but you do not need to be, to see this hazardous condition.

I hope you can provide some analysis to the voters/residents to justify this.
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From:HAUSER, JANETTo:GREEN, BRENDA; TERAN, STACYSubject:FW: Evolv Herbal - Strong Opposition - Planning Application 22-22Date:Tuesday, February 6, 2024 11:15:28 AM

Please see below.



Janet Hauser Executive Assistant to Council City of Costa Mesa 77 Fair Drive | Costa Mesa | CA 92626 | P (714) 754-5107 M (714)949-3693

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From: Alexis Hadley Dunlap <alex.imagine@gmail.com>
Sent: Tuesday, February 6, 2024 11:01 AM
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; STEPHENS, JOHN
<JOHN.STEPHENS@costamesaca.gov>; CONSTITUENT SERVICES
<constituentservices@costamesaca.gov>; Tim Dunlap <napalmfsr33@yahoo.com>
Subject: Evolv Herbal - Strong Opposition - Planning Application 22-22

Mayor Stephens and members of City Council -

My name is Alexis Dunlap. I live at 3198 Sicily Ave. I am strongly opposed to another Cannabis shop in Costa Mesa. This item is being reviewed at City Council tonight via resolution 5-55. I am an attorney and my husband is a detective for the Riverside County Sheriff Department and was recently released from a special marijuana task force. I understand the city has laws and ordinances it must follow with regard to new applications for cannabis storefronts conditional use permits and must not prejudice one applicant over another. However, I would like to strongly suggest that the city enact a separation requirement between any new Marijuana shops as the city of Costa Mesa is already overpopulated with this use. The separation requirement should be significant; we don't need a new shop every mile or 1/2 mile. I know the city is aware that there is overwhelming evidence showing that the presence of more marijuana shops has a direct correlation to violent crime and felonies. My husband Tim Dunlap will confirm that he is called through emergency services to aid and assist with violent crime at cannabis shops multiple times per week.

The primary goals of the city's municipal code are to protect the health and safety of the residents of the city; another Cannabis shop would be in direct opposition to that goal.

I am strongly opposed to another marijuana shop in Costa Mesa and request that city council uphold the resolution of the planning commission and deny this application.

Sincerely,

Alexis Dunlap, Attorney at Law 949-838-7313

From:	COLGAN, JULIE
То:	<u>CITY CLERK</u>
Cc:	PC Public Comments
Subject:	FW: PLEASE DENY!! 1858 Newport Blvd, Costa Mesa
Date:	Tuesday, February 6, 2024 8:15:47 AM



Julie Colgan Executive Assistant Economic & Development Services Department 77 Fair Drive | Costa Mesa | CA 92626 | (714) 754-5270

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From: Shawn Hamilton <bogey8311@yahoo.com>
Sent: February 5, 2024 10:19 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: PLEASE DENY!! 1858 Newport Blvd, Costa Mesa

Dear City Council-

Please accept my letter in regard to the cannabis retail shop on Newport Blvd. I am not a supporter of cannabis and I do not want our streets concentrated with cannabis shops. I did not support this originally and a lot of my neighbors did. I understand they voted and now we have shops. However, it has been some time and we now see them popping up all over town. Now those same neighbors that supported cannabis mostly all agree with me that enough is enough. I do not want a full review of cannabis but please act with some respect for your citizens. No four shops side by side, Please!

With Regards,

Shawn Hamilton

From:	<u>Mike Palmer</u>
То:	<u>CITY CLERK</u>
Subject:	Non-Support of Public Hearing of permit appeal for 1858 Newport Blvd.
Date:	Monday, February 5, 2024 6:56:38 PM

Dear City Council Members,

We are writing today as concerned citizen of Costa Mesa. I was born in Newport Beach and I have been a resident and homeowner of Costa Mesa for the past 29 years. Over the years there have been various issues concerning decisions the city council has been involved with, but none more troubling than the recent approvals of Marijuana dispensaries. It boggles my mind that our city leaders think it prudent to approve such a huge number of dispensaries! As we understand, we currently have 10 dispensaries operating, 11 more that are approved, and a whopping 33 more that are pending approval! This makes a staggering 54 possible dispensaries within a very small radius! While we understand the concept of wanting to welcome new small businesses, this seems ridiculous! On one block of Newport Blvd. there are literally 4 in a row!

First and foremost, this is not what we want our community to be associated with. Why would we want to be known as the city that is the Mecca for Marijuana Dispensaries? Costa Mesa has always been a family friendly community with a well respected school system, cultural diversity, and a flourishing Arts Community. Do you really want the number one thing that people think about our community to be that we have dispensaries on every corner?

My family and friends have personal experience with the damage that drugs can do to our loved ones. We have watched firsthand as our family members and friends have suffered through drug addiction from these "legal" drugs. We personally know people who have suffered addiction, psychosis, homelessness, incarceration, and even suicide caused by Marijuana and other drugs. We are surprised that Costa Mesa wants to back these businesses so strongly.

We wonder why our Mayor, John Stephens, feels so strongly about supporting such questionable businesses. Is there some kind of incentive for him to approve all of these dispensaries? Is there some kind of an incentive for our city council to support so many of these questionable businesses?

As registered voters, we will definitely not be supporting this city council in the upcoming election if these remaining 33 dispensaries are approved.

Sincerely,

Michael Palmer Tina Palmer 402 E. 18th Costa Mesa, CA 92627

From:	<u>W Lewis</u>
То:	<u>CITY CLERK</u>
Subject:	PA22-22 1858 Newport Boulevard Cannabis Application
Date:	Tuesday, February 6, 2024 4:53:02 PM

I own 126-128 Broadway and 130-132 Broadway in Costa Mesa and I oppose the cannabis application for 1858 Newport Boulevard.

My tenant are already complaining that customers of Mr Nice Guy are parking in front of my properties instead of using the parking lot.

Glenda Lewis

From:	Malik Pacheco
To:	TERAN, STACY
Subject:	Re: FW: DENY Cannabis store 1858 Newport Blvd, Costa Mesa
Date:	Tuesday, February 20, 2024 8:35:56 AM

I am pleading with the city council to deny this application! Please do not make our city a gateway for drugs distribution on Newport and Broadway! We do not need another weed shop opening in this area. Please DENY 1858 Newport Blvd, Costa Mesa! On Tuesday, February 6th, 2024 at 8:02 AM, TERAN, STACY <STACY.TERAN@costamesaca.gov> wrote:

Good morning,

We have received your comment, will provide it to City Council, post on the website, and make part of the meeting record.

Thank you,

Stacy Teran

Deputy City Clerk

City of Costa Mesa | City Clerks Office

714)754-5213

Stacy.Teran@costamesaca.gov

Please consider the environment before printing this email. Thank you!

Costa Mesa is launching a new permit and license processing system called TESSA in August. TESSA will replace our existing system and all land use, building and business license applications currently in process will be transferred to the new system. To learn more about TESSA, visit our FAQ page at https://www.costamesaca.gov/tessa.



From: Malik Pacheco <<u>angelsever5@proton.me</u>>
Sent: Sunday, February 4, 2024 3:49 PM
To: PC Public Comments <<u>PCPublicComments@costamesaca.gov</u>>
Subject: DENY Cannabis store 1858 Newport Blvd, Costa Mesa

Feb 4, 2024

To Whom It May Concern

On the last planning commission this CUP was denied, and we were extremely thankful that our leaders have stood up for the residence. I am very concerned that our Mayor is requesting a review on this denied CUP and supporting cannabis business instead of the voice of the community members.

I am a longtime resident of Eastside Costa Mesa and am writing in reference to the proposed Cannabis store at 1858 Newport Blvd, Costa Mesa

I request that the City Council to DENY this cannabis store to be opened at this address, there are already TWO approved cannabis shop within the same corner on Newport and Broadway. This is excessive and unnecessary.

We eastside residents are not interested in becoming the gateway for Drugs distribution on Newport and Broadway.

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content is safe. Report any suspicious activities to the Information Technology Department.

Hi Stacy,

I would like to express my opposition towards today's agenda about 1858 Newport Blvd in Costa Mesa. We do not need any more weed stores opening in our community. There's well over 20 cannabis retail stores approved, we certainly do not need any more.

Let's concentrate the time and resources to what our community needs like housing development, schools and education.

Please deny 1858 Newport Blvd, Costa Mesa application!!

Sincerely, Sara Brighton

From: TERAN, STACY <STACY.TERAN@costamesaca.gov>Sent: Tuesday, February 6, 2024 2:51 PMSubject: Feb. 6 City Council meeting has been canceled

Hello,

Please see attached notice of cancellation for tonight's City Council meeting. Please note, agenda items will be carried over to the next regular meeting on Tuesday, February 20, 2024.

Thank you,

Stacy Teran Deputy City Clerk City of Costa Mesa | City Clerks Office 714)754-5213 Stacy.Teran@costamesaca.gov

Please consider the environment before printing this email. Thank you!

Costa Mesa is launching a new permit and license processing system called TESSA in August. TESSA will replace our existing system and all land use, building and business license applications currently in process will be transferred to the new system. To learn more about TESSA, visit our FAQ page at https://www.costamesaca.gov/tessa.



From:	Patricia Windsor
То:	TERAN, STACY
Subject:	Re: 1858 Newport Blvd, Costa Mesa CUP Review, Please DENY
Date:	Monday, February 19, 2024 4:26:26 PM

Thank you Stacy for providing my comment to the City Council! I received your other email about the rescheduled meeting tomorrow also.

By voicing my frustration, I hope the planning commission will put a stop to this and deny the application. We do not need a over concentration of pot shops that will make a big impact on our community's image.

Regards, Patricia

On Tuesday, February 6, 2024 at 08:05:30 AM PST, TERAN, STACY <stacy.teran@costamesaca.gov> wrote:

Good morning,

We have received your comment, will provide it to City Council, post on the website, and make part of the meeting record.

Thank you,

Stacy Teran Deputy City Clerk City of Costa Mesa | City Clerks Office 714)754-5213 Stacy.Teran@costamesaca.gov

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From: Patricia Windsor <<u>leanbeefpatty932@yahoo.com</u>>
Sent: Sunday, February 4, 2024 5:48 PM
To: PC Public Comments <<u>PCPublicComments@costamesaca.gov</u>>
Subject: 1858 Newport Blvd, Costa Mesa CUP Review, Please DENY

I am surprised this conditional use permit that was denied at the last planning commission meeting is up for review.

And more surprising that the reason for request by Mayor Stephens is "To provide the applicant with a fair de novo hearing based upon the relevant issues under the Costa Mesa Municipal Code."

Why is this Conditional use approval so unique that Mayor Stephens called for a Review? and not on other denied applications?

What about the citizens of Costa Mesa? We have been voicing our concerns and request for an amendment of the cannabis ordinance, and yet no real actions have been taken. I would suggest that all council members take deep consideration of their community.

Over concentration of pot shops will clearly have a huge impact on the image of our community.

I ask that we entrusted and uphold the decisions that our planning commission denial of this project.

Regards, Patricia

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From:	Chris T Lambert
То:	TERAN, STACY
Subject:	Re: Feb. 6 City Council meeting has been canceled
Date:	Monday, February 19, 2024 9:52:52 AM

Thank you for sending over the updated council meeting date.

I hope that the council takes my concerns and frustration into consideration. It's confusing why the application for 1858 Newport Blvd (Evolv Herbal) is getting reviewed when the members of the planning commission already made a proper decision to deny this application from moving forward. As a resident of the Costa Mesa community, I'd like to make it clear that I do not support this oversaturation of cannabis dispensaries on Newport Blvd. Please disapprove of this application from moving forward.

-Chris

On Tue, Feb 6, 2024 at 2:51 PM TERAN, STACY <<u>STACY.TERAN@costamesaca.gov</u>> wrote:

Hello,

Please see attached notice of cancellation for tonight's City Council meeting. Please note, agenda items will be carried over to the next regular meeting on Tuesday, February 20, 2024.

Thank you,

Stacy Teran

Deputy City Clerk

City of Costa Mesa | City Clerks Office

714)754-5213

Stacy.Teran@costamesaca.gov

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From:	<u>GREEN, BRENDA</u>
То:	TERAN, STACY
Subject:	FW: Letter of Appeal of Denial of City of Costa Mesa Planning Commission Cannabis CUP Application 22-22
Date:	Thursday, February 15, 2024 3:39:23 PM
Attachments:	<u>Outlook-1499886269.png</u>
	Evolve Herbal Supplemental Letter to City Council of Costa Mesa.docx (1) (2).pdf

Brenda Green

City Clerk City of Costa Mesa 714/754-5221

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From: Tal Finney <tfinney@falawyers.com>
Sent: Thursday, February 15, 2024 3:36 PM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>
Cc: markjrs13@yahoo.com
Subject: Letter of Appeal of Denial of City of Costa Mesa Planning Commission Cannabis CUP
Application 22-22

Dear Brenda,

I am writing you on behalf of Mark Adams regarding his Letter of Appeal of the decision of the Costa Mesa City Planning Commission ("Planning Commission") to deny the Conditional Use Permit ("CUP") and thereby, Conditional Business Permit (CBP") 22-22, filed by Evolv Herbal, located at 1858 Newport Blvd., Costa Mesa, CA 92626, on December 11, 2023 to the City Council of Costa Mesa per ("CMMC").

As the former Special Counsel and OPR Director to the Governor of California, and General Counsel to the Lieutenant Governor and State Controller of California, I was particularly vexed by the action of the Planning Commision of your fair city denying my client's CUP Application, given the voters of Costa Mesa's approval of Measure Q. I am hopeful that the City Council's De Novo Review of my client's CUP Application on February 20, 2024, will cause you to share my concern, and that consequently you and the Council will grant Evolv Herbals CUP.

I am happy to address any questions, concerns, or clarifications that you may have prior to, and during, the De Novo Hearing. Thank you for your consideration.

Respectfully,

Tal C. Finney, Esq. Of



633 W. 5th Street, 28th Floor

Los Angeles, California 90071 c (310) 729-7266 www.falawyers.com

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FinneyArnoldLLP

633 West Fifth Street Los Angeles, CA 90071 tfinney@falawyers.com | 310-729-7266 sarnold@falawyers.com | 213-718-3468

February 15, 2024

On Behalf of Mr. Mark Adams CEO Herbal Evolv, LLC 1858 Newport Blvd. Costa Mesa, CA 92626 <u>markjrs13@yahoo.com</u> 562-209-0111

City Council and City Attorney c/o City Clerk City of Costa Mesa 77 Fair Drive Costa Mesa, CA 92626 714-754-5225

Re: Denial of City of Costa Mesa Planning Commission Cannabis CUP Application 22-22

Dear Honorable Mayor, City Council Members, and City Attorney,

I am writing you on behalf of Mark Adams regarding his Letter of Appeal of the decision of the Costa Mesa City Planning Commission ("Planning Commission") to deny the Conditional Use Permit ("CUP") and thereby, Conditional Business Permit (CBP"), filed by Evolv Herbal, located at 1858 Newport Blvd., Costa Mesa, CA 92626, on December 11, 2023 to the City Council of Costa Mesa per ("CMMC"). Evolv Herbal has diligently followed all legal requirements, ordinances, and regulations outlined by the CMMC and State of California for operating a storefront retail cannabis dispensary. While they appreciate the Planning Commission's review and consideration of their CBP and CUP applications, they seek a fair de novo hearing on their applications based upon the relevant issues and CMMC. Their commitment to compliance is unwavering, and they want to ensure that any specific issues that might have arisen during the evaluation are addressed, given that we now know that one Planning Commission member attempted to change his vote after the hearing was closed in their project's favor, and was instructed by City Staff that the vote and hearing had commenced. Had this been publicly brought to the attention of the City Attorney at the time of request, the hearing potentially could have been reopened through a motion and the vote retaken through an amending motion as well, saving the applicant and City time and resources in continuing an already long and unfair process.

Evolv Herbal's CUP Application was in full compliance with the CMMC and the Costa Mesa City Planning Department Staff Report recommended approval of their CUP Application. (See City of Costa Mesa Planning Commission Agenda Report, Meeting Date: December 11, 2023, Item Number PH-4 and Resolution No. PC-2023- A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-22 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (EVOLV HERBAL) WITH DELIVERY IN THE C2 ONE AT 1858 NEWPORT BOULEVARD). The FINDINGS and CONDITIONS OF APPROVALS (Exhibits A and B of the Staff Report) provide detailed information regarding the Evolv Herbal's application, all of which were and are consistent with the CMMC and California state law. Additionally, the City of Costa Mesa approved both of the neighboring storefront retail cannabis stores, who share a common attorney and potentially common ownership groups while posing as two separate stores, and whose applications were nearly identical but with less stringent security measures and contributed less to the neighboring community as far as landscaping, aesthetics, and community outreach. Further, based on the location of sensitive uses in the local area, a "Goldilocks Effect" resulted in the concentration of storefront retail cannabis operations which prevented the broad diaspora of such operations across the City, which further supports the tenets of the CMMC and General Plan of Costa Mesa. Finally, Evolv Herbal has acted in good faith, engaged in significant community outreach in conjunction with its CUP Application, and has the most seasoned staff and professionals of any retail storefront cannabis operation in the City, having not only operated and owned medical and retail cannabis operations for almost 2 decades, but has also been extremely active in nonprofit and educational programs regarding the safe use of cannabis, emphasizing the use of cannabis with lower psychoactive concentrations and higher concentrations of non-psychoactive medical grade cannabis with significant health benefits. As such, the City Council is compelled and urged to overturn the decision of the Planning Commission and approve Evolv Herbal's CUP Application.

Costa Mesa City Ordinances No. 2021-08 and No. 2021-09 on November 3, 2020, known as Measure Q, provide for the licensing, permitting, and establishment of retail cannabis storefront and non-storefront uses to implement the City's retail cannabis tax and regulation measure, voted for by a majority of the City's voters. The Ordinances were exempt from the California Environmental Quality Act ("CEQA"). Lucas v. City of Pomona (2023) 92 Cal.App.5^a 508. The CMMC also did not place a restriction on the number of retail cannabis storefronts within the City. The City's website specifically confirms that the City Ordinances in the CMMC do not limit the number of storefront permits that may be granted, and that the number of applications under review is based solely on City staff's capacity to review and process applications in a timely manner, which was challenged by another group, causing staff to begin processing applications again after a long, potentially volitional lag. While the Ordinances state that the City Council has the authority to establish a cap on the number of storefronts allowed in the City, the City Council has not specifically done so at the time of the denial of their applications, nor since.

The Ordinances go on to state that storefronts are allowed in commercial zones, which the planned location for Evolv Herbal at 1858 Newport Blvd., Costa Mesa, CA 92626 is as it would be located in a C-2 General Business Zone. Further, storefronts are required to be 1,000 feet away from K-12 schools, playgrounds, child daycare facilities, and homeless shelters, and 600 feet away from youth centers, which the planned location for Evolv Herbal is. Evolv Herbal engaged in focused community outreach in conjunction with their application process. They mailed and delivered 257 letters to the surrounding community in which they provided the personal contact information for Mark Adams, their CEO, in case a community member had questions or concerns. They also walked the neighborhood adjacent to the proposed location of the dispensary and met neighbors personally to discuss the project. There were no complaints nor issues brought to the owner's attention, while going beyond the City's guidelines for outreach. Evolve Herbal's core mission is to create and provide a safe and responsible environment that caters to a mature customer base and focuses on overall health and well-being in Costa Mesa by providing safe access to high grade, safe cannabis, and there is a need for them due to their focused medicinal nature.

Of particular importance, the Ordinances do not establish a merit-based review process. Prospective applicants must meet all minimum requirements set forth in CMMC Ordinance Nos. 2021-08 and 2021-09 and be granted a CUP through a discretionary review process of the City Planning Commission in order to be issued a CBP. CUP findings that the Planning Commission must consider under the CMMC at Title III, Section 13-28(b) include:

a. The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

b. Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

<u>c</u>. Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

The California Code of Civil Procedure Section 1094.5 requires that administrative commission decisions must be supported by substantial evidence, and whether a public commission or agency abused its discretion in exercising such if it did so to an end or purpose not justified by substantial evidence, and clearly against reason, once considering all the facts and circumstances. CA CIV CODE Section 1094.5 (2012). There are a host of cases supporting that the Costa Mesa City Planning Commission abused its discretion in denying the CUP of Evolv Herbal based upon this clear California Civil Code section that we are prepared to site if necessary in a legal forum in opposition to this denial. We do not site the lengthy and dispositive stare decisis of California case law supporting the abuse of discretion by the Planning Commission as we prefer to urge the Costa Mesa City Council to grant us a fair de novo review of the CMMC's tenets with respect to Evolv Herbal's CUP application in order to avoid the unnecessary cost, resources, and delay caused by litigation.

The proposed development of the Evolv Herbal dispensary is substantially compatible with developments in the same general area and will not be materially detrimental to other properties within the area. Rather, by granting Evolv Herbal the CUP, it will improve the area given its aesthetically pleasing exterior façade and interior design, as told directly by neighboring businesses during the outreach that was done. Their building plans will provide an extremely secure and safe facility with a beautifully landscaped parking lot and will offer safe, easy, and discreet off-street access.

Granting Evolv Herbal a CUP will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood, rather it will make high quality, medical grade products available to adults within the community and will increase the value of properties within the immediate neighborhood given its design and estimated value. They will provide ADA accessible counters, in addition to being fully ADA compliant. Their security plan includes former law enforcement officers maintaining onsite presence throughout all operating hours, a sophisticated alarm system with motion and glass break sensors, controlled access through commercial-grade locks, and FOB-activated systems, and a network of 28 high definition cameras that exceed minimum requirements continuously monitoring critical areas. Finally, Evolv Herbal works individually with each of its customers to maximize their health and safety with their products, with a special emphasis on elderly patients, offering a wide range of low psychoactive products.

Granting the CUP to Evolv Herbal will not allow a use, density, or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property as it is the

dispensary is a use, density, and intensity that is in accord with the general plan and specific plan for the property. Locating a few of the dispensaries in the same confined area per Reference No. PA 22-22, keeps the business interests diverse and balanced. There are multiple pawn shops and hair salons adjacent to and in the vicinity of the proposed location as well, that invalidates any argument about the creation of business density issues. Saying that Evolv Herbal's CUP approval creates business density issues is not only unfair, but discriminatory in nature.

Given the above, the Planning Commission misused and abused its discretion in denying Evolv Herbal its CUP in the December 11, 2023, hearing.

Again, our review of the CMMC, the City of Costa Mesa General Plan, California state law, and the Costa Mesa City Planning Department staff report supporting approval of Evolv Herbal's CUP Application for the retail storefront cannabis operation should compel the City Council to approve their application. The only best interest of denying this application would be to the two neighboring dispensaries, because they would prefer not to compete with Evolv Herbal, especially since they potentially share common ownership. We kindly request a fair de novo hearing based upon the relevant issues and Costa Mesa Municipal Code of our CBP and CUP applications and the opportunity to discuss any concerns in person. Thank you for your time and consideration. We remain optimistic that Evolv Herbal will become a valuable, law-abiding, and contributing corporate citizen to the community of Costa Mesa.

Very truly yours,



Tal C. Finney, Esq., of FINNEY ARNOLD LLP

CC to:

Mayor of City of Costa Mesa City Council of City of Costa Mesa City Attorney of City of Costa Mesa City Clerk of City of Costa Mesa Michelle Halligan, City of Costa Mesa Planning Department

I am a current customer of Evolv Herbal and recommend the City Council to approve their application in Costa Mesa. They are absolutely a necessity because they provide the best products, customer service, and experience when I and many other customers have endless other options of where to go. If you are looking for an example, look no further than Evolv.

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Sincerely,

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Print Name: Jordan Klark

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Print Name: Ann Jyno (209)742-5676

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Print Name: rdersa Mary

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Print Name: Michael Quinenes

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Pamela HURT Print Name:

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David morales

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Print Name: Candace Howard

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Jette Barron

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Sincerely,

Samuel Tanner

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Chi AnThony LeNoir

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Sincerely, TATAT

Print Name:

SABRIMA ORTIZ

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Print Name: Heather Commany

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Synthi 9 Duman 929- 328- 9621

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Print Name: Heavan Rubio (310) 959 - 8945

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Print Name: Kari Zachailas (340) 503 - 0690

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Print Name: Jennifer 6.6h. (609) 923-7067.

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Sincerely, Print Name: Ariana Mc Murray (562) 682 - 5783

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Print Name: Mekenzie Marsh

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Print Name: ILENE GINZÁLEZ (951)460-9217

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Print Name: George Gonzalel 562-324-7049
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Jerenny Silva

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Print Name: Mitalli Sharma 832-364-7999

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Print Name: JenniFer Castillo 218-260-8689

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Print Name:

Max Green

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Choras Eggarizer

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Print Name: Kele Simoneau

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Mario

Print Name: MARIO DE LA ORUZ

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Christopher Run

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Christopher Rivery

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Raymond M-Duni

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D:A. Donnely Print Name: D. A. Dour

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Christopher Horm

Print Name:

Christopher Sloan

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Andy Casillas

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Print Name:

Thurabi

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Micheline Ghurati Print Name:

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Print Name: Bailey Delgado

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Print Name: SKYR RODRIGUEZ

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Print Name: Khalid Sultany

(310) 997.8758

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Print Name: Michael Pensose (562) 213-5710

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Jaspes De Mugman

Print Name:

JASPER DE GUZMAN

(562) - 787 - 0466

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Sincerely, S asper Marfini Print Name:

2/14/24

To Whom it May Concern,

My name is Dr. Peter Pessiki and I am a PHD chemist from Princeton University. I have worked many years as a college professor of chemistry as well as an academic and researcher, focusing time in the medical cannabis space. Mark and I worked for 4 years together, from 2016-2019, on synthesizing the cannabis plant to develop non-psychoactive products targeting specific conditions, including cancer, autoimmune diseases, anxiety, and sleep disorders. We pioneered medical advances in isolating CBD and CBN products that are commonplace now to treat myriad conditions in this developing field.

Mark has always had a focus on medicinal cannabis, providing the highest quality products to patients to treat their conditions. It is commonplace to go to a recreational, or even a medicinally focused dispensary, and still have issues with budtender education and customer service. Mark always makes sure that his staff is trained appropriately, and often has a medical professional on staff for specific consultations, taking every patient or customer seriously.

I wholeheartedly implore you to approve his dispensary application at Tuesday's City Council meeting. He will make Costa Mesa a better place, through not only respecting and improving the neighborhood, but most importantly for every customer who comes into Evolv Herbal's doors. He has changed countless lives throughout his life, and there will be no other dispensary like his in the City of Costa Mesa.

To the uneducated, cannabis can be a scary thing. Not every cannabis operator is created equal. Mark Adams is a cut above the rest, and Costa Mesa will be a better place with him embedded in the fabric of the community.

Please vote yes on Mark's application. It is imperative for the health and wellbeing of your community.

Dr B Pour

Dr. Peter Pessiki

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Sordan Burkhalter Print Name:

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Print Name: ROBERT BARRENECHER

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Denise Christman

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Print Name: Joe/ Blumberg

I am a current customer of Evolv Herbal and recommend the City Council to approve their application in Costa Mesa. They are absolutely a necessity because they provide the best products, customer service, and experience when I and many other customers have endless other options of where to go. If you are looking for an example, look no further than Evolv.

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Marin Sanchez Print Name: Maria Sanchez

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Print Name: KRISTIN GEVENTES

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Sincerely,

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Sebastian MorxN

Print Name:



February 15, 2024

TO: Mayor and City Councilmembers of the City of Costa Mesa

RE: Support for Senior Housing Project at 695 West 19th Street

Orange County United Way (OCUW) writes today to express our support for the Senior Housing Project that is under consideration. This proposal would contribute 60 units of high-quality affordable housing units for seniors.

This development is meeting a crucial and growing need in our community for an extremely vulnerable population: older adults who are facing housing insecurity. This segment of our community is facing the risk of homelessness at a greater rate than others and facing unique challenges in accessing resources.

Affordable housing is consistently cited as the primary reason for homelessness, so adding more affordable housing will prevent older adults from experiencing the trauma of living on the streets. Our team have compiled additional resources about the impacts of older adult homelessness which is on our YouTube channel. www.youtube.com/@UnitedToEndHomelessness

In 2018, OCUW launched United to End Homelessness, a powerful collaboration among Orange County's top business, philanthropic, government, faith-based, and non-profit leaders committed to ending homelessness and ensuring housing and services are available for every individual who may need them. United to End Homelessness has been an influential voice in advocating for housing as the solution to end homelessness, and OCUW has always supported and maintained that affordable, stable housing is the building block to success. We are eager to be a resource to you in finding solutions to serve your entire community.

Thank you for your support of the Senior Housing Development at the Senior Center. We are grateful to you for your willingness to improve the lives of those in-need in our community.

Lawrence R. Armstrong Chair, U2EH Leadership Council Becks Heyhoe Executive Director, United to End Homelessness

18012 Mitchell South, Irvine, CA 92614 949-660-7600 info@UnitedToEndHomelessness.org UnitedToEndHomelessness.org #EndHomelessnessOC Empowered By





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Su Papo

Susan B. Parks President & CEO

Dear Mayor Stephens and City Council Members,

I am writing in support of the development of the Senior Center parking lot as senior housing. Sixty units of housing designed for seniors will be a welcome addition to the city's housing stock.

There is a serious need for affordable housing for all segments of our community. Seniors on fixed incomes can be especially impacted by inflation. The location is convenient to a bus stop, market and services at the senior center.

Jamboree Housing (JHC) is a well respected affordable housing developer and can be relied on to create housing that is attractive and fits into the community.

I know there have been concerns expressed by members of the Senior Center community. Clarification is needed on parking, traffic and the impact of the construction on the Senior Center operation. Since this is an initial screening, I suggest that additional meetings be scheduled by JHC at times that are more convenient for the senior population to address these concerns. Day meetings are much better for seniors who are often unable to drive or prefer not driving at night.

I look forward to seeing this plan refined and moved forward.

Thank you for your commitment to building affordable housing and caring for our seniors.

Sincerely,

Dianne Russell

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TERAN, STACY

From:Charles Sharkey <chuck.sharkey@gmail.com>Sent:Thursday, February 15, 2024 5:23 PMTo:CITY CLERKSubject:Senior Housing Agenda Item

City Clerk of Costa Mesa -

Housing is important but by taking away the current parking for the senior center you are making it very hard for seniors who don't live next door to use the senior center.

I support more housing but the housing should include a ground floor level of parking for the senior center.

Additionally you need parking for visitors to the new proposed senior housing. Where will children and friends of the people living in the senior housing park?

That area is already very tight for parking. I know I frequently go over there to meet with and help people in the high rise across the street. There is no guest parking for the high rise. Additionally there is not enough parking for the DMV next to the high rise so the streets in the area are jammed.

If you take away the parking for the senior center you will only exacerbate the parking situation and prevent senior citizens who are not within walking distance from using the senior center.

Build more housing but make sure you add parking to the west side not take parking away.

Respectfully,

Chuck Sharkey

287 Mesa Drive Costa Mesa, CA 92627

Chuck Sharkey

949-887-4929 chuck.sharkey@gmail.com

On Thu, Feb 15, 2024 at 5:20 PM Charles Sharkey <<u>chuck.sharkey@gmail.com</u>> wrote: City Clerk of Costa Mesa -

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Respectfully

Chuck Sharkey

287 Mesa Drive Costa Mesa, CA 92627

949-887-4929 chuck.sharkey@gmail.com

On Thu, Jan 25, 2024 at 12:31 PM Michael Shepherd <<u>MichaelS@unitedwayoc.org</u>> wrote:

Hello!

There is a meeting happening next week (February 1) for Jamboree Housing to discuss and field questions about a proposed affordable housing development for seniors at the current parking lot of the Costa Mesa Senior Center. This is a great opportunity to participate in learning about and supporting the housing solutions that we need to solve homelessness and create a stronger safety net for our entire community.



Thursday, February 1, 2024

6:00 - 8:00 pm

Costa Mesa Senior Center

695 W 19th Street, Costa Mesa

You can also find out more at <u>www.jamboreehousing.com/SeniorHousingWestsideCostaMesa</u>

(You received this email because you shared an interest in housing advocacy and are connected to Costa Mesa- if you need to update your information, please email me directly.)

Thanks!

Michael Shepherd

Associate Director, Community Strategies

United to End Homelessness

he/him/his

Orange County United Way

18012 Mitchell South, Irvine, CA 92614

Email: <u>MichaelS@UnitedWayOC.org</u>

Office: 949.263.6192

Fax: 949.271.8092

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Twitter: @MichaelShepOCUW

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February 20, 2024

Mayor Stephens and City Council Members City of Costa Mesa 77 Fair Drive Costa Mesa, CA

RE: Support for Senior Affordable Housing Proposal

Dear Mayor Stephens and Council Members:

The Costa Mesa Affordable Housing Coalition wholeheartedly supports the affordable housing proposal before you tonight. Our city desperately needs this development of 60 units of affordable housing for our city's low-income seniors. According to the Housing Element, 61% of Costa Mesa's elderly households are lower income. This new affordable housing is needed now!

And it's going to be built in the perfect spot! Situating affordable senior housing in the senior center parking lot will allow its residents to enjoy the wonderful activities and resources of the Costa Mesa Senior Center right next door. Moreover, Jamboree Housing has an impressive track record in building high quality, attractive, well managed affordable housing. This proposed development will be a great addition to the Senior Center site, with new gathering spaces for fitness, barbeques, and a community garden.

We urge you to approve this Urban Master Plan Screening Request tonight. Costa Mesa has a long way to go if we are to meet our lower income RHNA. Approving this project is an important step toward that crucial goal.

Respectfully,

Kathy Esfahani

Kathy Esfahani, Chair of the Costa Mesa Affordable Housing Coalition